

CITY COUNCIL AGENDA

APRIL 10, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Chavez (excused)

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 4)**
Sr. Pastor Oscar Dice, Bible Way Christian Center, delivered the invocation.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation and Outstanding Employee Recognition Award to Fire Engineer Allison Cabral. (City Manager's Office)
Joining Mayor Gonzales at the Podium were City Manager Del D. Borgsdorf, Fire Chief Manuel P. Alarcon, and honoree Fire Engineer Cabral and her husband. Mayor Gonzales presented the commendation to Allison and expressed the City Council's appreciation for the employee's valuable service to the City of San José.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a commendation to the Department of Planning, Building and Code Enforcement's Building Division for receiving the "Building Department of the Year" award from the California Building Officials. (City Manager's Office)

Joining Mayor Gonzales at the Podium were City Manager Del D. Borgsdorf, Director of Planning, Building and Code Enforcement, James R. Derryberry, who accepted the commendation, and five members of the Building Division – Amal Sinha, Chief Building Official; Scott Troyer, Permit Center Manager; Larry Wang, Chief Plan Check Engineer; Bob Stevens, Acting Chief Building Inspector; and Phil Ribbs, Chief Inspector – who were congratulated for their exceptional achievements.

- 1.3 Presentation of a proclamation proclaiming April 8th through the 14th, 2001, as National Public Safety Dispatchers' Week. (Reed/Mayor)
(Rules Committee referral 4/4/01)

Joining Mayor Gonzales and Council Member Reed at the Podium were Chief of Police William M. Lansdowne, and Fire Chief Manuel P. Alarcon who accepted the proclamation in recognition of the work done by the Dispatchers and their vital contributions to the well being of the people of the City of San José.

- 1.4 Presentation of commendation to recognize the Falcon Boys' Basketball Team of Andrew Hill High School for winning its first Central Coast Section Championship in school history. (Shirakawa, Jr.)
(Orders of the Day)

Joining Mayor Gonzales at the Podium, Vice Mayor Shirakawa, Jr. introduced Coach Dennis J. Fernandez, Sr., who successfully guided the Falcon Boys' Varsity Basketball Team to its first Central Coast Section Championship in school history, and presented individual proclamations to Basketball Team Members Ibsaa Gelmo, Raman Gurai, Tyler Rucker, Binh Tran, Reggie Smith, Derek Alcantara, Jamall Kimble, Nguyen Nguyen, Taj Stone, and Jayson Obazuaye, in recognition of the Team's scholastic and athletic achievements. Family and friends of the team were asked to stand and be recognized.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2 CONSENT CALENDAR

2.1 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26336 – Amends Sections 2.04.1620, 2.04.3620, 2.04.4220 and Part 44 of Chapter 2.04 of Title 2 of the San José Municipal Code to reflect the reorganization of City services within City departments.

Ordinance No. 26336 adopted.

- (b) ORD. NO. 26338 – Levies special taxes within City of San José Community Facilities District No. 6 (Great Oaks – Route 85).

Dropped.

Ordinance No. 26338 was adopted on 03/27/01.

2.2 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2000-2001 #37, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.3 Approval to sell surplus property and proceed with the disposition process.

Recommendation: Adoption of a resolution:

- (a) Authorizing the sale of 367 North 14th Street to Ms. Gladys Chung and Mr. Winston Chung for \$335,000; and
- (b) Approving a City equity loan in the amount of \$50,000 to Gladys Chung and Winston Chung; and
- (c) Authorizing the Director of Housing to execute all required documents to complete the sale of the property and the loan to the Chungs.

Council District: 3. (Housing)

Resolution No. 70260 adopted.

2.4 Approval of an agreement with the South Bay MOA, Inc.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the South Bay MOA, Inc. to perform officiating services in the City's Community Sports Program, for the period March 1, 2001 to December 31, 2001, in an amount not to exceed \$95,000.

(Parks, Recreation and Neighborhood Services)

Resolution No. 70261 adopted.

2 CONSENT CALENDAR

2.5 Approval of an amendment to the agreement with Amphion Environmental, Inc.

Recommendation: Approval of the second amendment to the master agreement with Amphion Environmental, Inc. for consultant services for various Park and Recreation projects, extending the term of the agreement from April 27, 2001 to October 27, 2001, at no additional cost to the City. (Public Works)

Approved.

2.6 Approval of a lease agreement for the City's Hearing Appeal Examination Program.

Recommendation: Approval of a five-year lease agreement with La Familia, L.P., for 600 square feet of office space on the second floor of a building located at 777 North First Street for the City's Hearing Appeal Examination Program, at a rental rate of \$2,400 per month for the first year of the lease with annual increases to \$2,807.66 per month for the final year of the lease term. (Public Works)

Approved.

2.7 Approval of a contingency for the Median Island Landscape Improvements Phase 2 Project.

Recommendation: Adoption of a resolution increasing the contingency for the Median Island Landscape Improvements Phase 2 Project with Terra-Cal Construction, Inc. for additional construction work resulting from unforeseen site conditions by \$103,000, from \$61,000 to \$164,000, and authorizing the Director of Public Works to execute contract change orders within the approved contingency of \$164,000. CEQA: Exempt. Council Districts 2, 6, 8, and 10. (Public Works)
(Rules Committee referral 4/4/01)

Resolution No. 70262 adopted.

2.8 Approval of an agreement for the Parma Park Youth and Tot Lot Renovation Project.

Recommendation: Approval of an agreement with Moore Iacofano Goltsman, Inc. for consultant services for the Parma Park Youth and Tot Lot Renovation Project, from the date of execution of the agreement to June 30, 2002, in the amount of \$104,670, and additional services in the amount of \$8,000, for a total agreement amount of \$112,670. Council District 10. (Public Works)
(Rules Committee referral 4/4/01)

Approved.

2 CONSENT CALENDAR

2.9 Approval of an agreement for the Vista Park Renovation Project.

Recommendation: Approval of an agreement with the beals group, inc. for consultant services for the Vista Park Renovation Project, from the date of execution of the agreement to May 31, 2002, in the amount of \$98,530, and additional services in the amount of \$6,000, for a total agreement amount of \$104,530. Council District 10. (Public Works)

(Rules Committee referral 4/4/01)

Approved.

2.10 Approval of an agreement for the Tuers-Capitol Golf Course Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a service agreement with Pacific Gas and Electric Company (PG&E) for the Tuers-Capitol Golf Course Project, in an amount not to exceed \$296,000. Council District 7. (Public Works)

(Rules Committee referral 4/4/01)

Resolution No. 70263 adopted.

2.11 Approval of an agreement for legal photocopy services.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Ikon Office Solutions, Inc. for legal photocopy services, in an amount not to exceed \$65,000. (City Attorney's Office)

(Rules Committee referral 4/4/01)

Dropped.

2.12 Consent to encumbrance of Hayes Conference Center lease.

Recommendation: Approval of an agreement regarding the Hayes Estate lease by and among the City, Hayes Renaissance, L.P., and Imperial Bank related to Imperial Bank's loan of \$3,000,000 to Hayes Renaissance, L.P. (City Manager's Office)

(Rules Committee referral 4/4/01)

Approved.

2.13 Approval of travel by City Attorney.

Recommendation: Approval of travel for City Attorney, Richard Doyle, to attend the International Municipal Lawyers Association Annual Meeting in Washington, D.C., for the period of April 28, 2001 through May 1, 2001. (City Attorney's Office)

(Rules Committee referral 4/4/01)

Approved.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

**3.1 Report of the Study Session,
Mayor Gonzales, Chair
No Report.**

**3.2 Report of the Rules Committee – March 28, 2001
Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items forwarded to Redevelopment Agency Board for consideration.
- (b) City Council
 - (1) Review April 10, 2001 Draft Agenda
The Committee approved the April 10, 2001 City Council Agenda.
 - (2) Add New Items to April 3, 2001 Amended Agenda
The Committee recommended five additions to the April 3, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
 - (d) Ad Hoc Traffic Calming Advisory Committee**None Presented.**
- (d) Meeting Schedules
None Presented.
- (e) The Public Record – March 14 to March 20, 2001
The Committee noted and filed the Public Record for the period March 14-20, 2001.
- (f) Boards, Commissions and Committees
None Presented.
- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 28, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (h) Administrative Reviews and Approval

None Presented.

- (i) Oral communications

None Presented.

- (j) Adjournment

The meeting was adjourned at 2:20 p.m.

The Rules Committee Report and actions of March 28, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee – March 28, 2001

Council Member Dando, Chair

- (1) Business Plan and Investment Strategy Review for Council Appointees

- (a) City Attorney

- (1) Annual Report

- (b) City Auditor

- (c) City Clerk

- (d) City Manager

- (e) Independent Police Auditor

The Committee accepted the Mayor's recommendations for Council Appointee Budgets with the request that the augmentation of overtime hours in the Independent Police Auditor's Office be changed from a one-time request to an ongoing request.

- (2) Oral petitions

Bill Chew spoke on the use of Public Access television stations.

- (3) Adjournment

The meeting was adjourned at 3:45 p.m.

The Finance and Infrastructure Committee Report and actions of March 28, 2001 accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Economic Development & Environment Committee

Council Member Williams, Chair

No Report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Public hearing on the annexation of Annexation Area 4 into Community Facilities District No. 2 (Aborn-Murillo).

Recommendation: Public Hearing and taking the following actions relating to annexing Area 4 to Community Facilities District No. 2 (Aborn - Murillo).

- (a) Adoption of a resolution submitting the levy of a special tax to the property owners within Annexation Area 4 and calling for a special election for property owners within Annexation Area 4.

Resolution No. 70264 adopted.

- (b) Adoption of a resolution declaring the results of the special election, and contingent upon two-thirds qualified voter approval, determining that Area 4 is annexed to Community Facilities District No. 2, directing the recording of a notice of special tax lien.

Resolution No. 70265 adopted.

- (c) Adoption of an ordinance levying special taxes within Annexation Area 4 to Community Facilities District No. 2.

Council District 8. (Public Works)

Ordinance No. 26344 adopted.

4.3 Approval of various actions for a future affordable housing project.

Recommendation: Adoption of a resolution approving an acquisition and predevelopment loan of up to \$2,700,000 to ROEM Development Corporation, or its designated partnership, to acquire a 2.02 acre site located at the northerly terminus of East Court and West Court, north of East Julian Street for a future affordable housing project. CEQA: ND. Council District 3. (Housing)

(Rules Committee referral 4/4/01)

Resolution No. 70266 adopted.

4.4 Adoption of an urgency ordinance amending Chapter 7.08 of Title 7 of the San José Municipal Code by changing the definition of pet shop.

Recommendation: Adoption of an urgency ordinance that amends the definition of a pet shop to include a description of the place where animals may be offered for free, sale, exchange, or barter. (Planning, Building and Code Enforcement)

(Rules Committee referral 4/4/01)

Urgency Ordinance No. 26345 adopted.

Council directed the City Attorney to provide Council with a copy of the entire ordinance for review, and to make available to other jurisdictions San José's ordinance via Cities organizations.

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee**
Council Member Chavez, Chair
No Report.

- 5.2 Establishment of Measures O and P Oversight Committees.**

Recommendation:

- (a) Designate the Library Commission and Parks and Recreation Commission as the public oversight committees for Measures O and P.
Council approved Mayor Gonzalez' recommendation to designate the Library Commission as public oversight committee for Measure O, and the Parks and Recreation Commission as public oversight committee for Measure P.
- (b) Direct City Staff to return with a plan of implementation for Council approval.
(Mayor)
(Rules Committee referral 4/4/01)
Council directed City Staff to return with a plan of implementation for Council approval.

6 TRANSPORTATION SERVICES

- 6.1 Traffic Calming Advisory Committee (Ad Hoc)**
Council Member Reed, Chair
No Report.

7 ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Approval of the Interim Water Supply Allocation Plan.**

Recommendation: Adoption of a resolution approving the Interim Water Supply Allocation Plan pursuant to Section 7.03(a) of the Master Contract with San Francisco. Council District 4. (Environmental Services)
Resolution No. 70267 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval to award a contract for the Old Oakland Road Storm Drain Pump Station Project.

Recommendation: Report on bids and award of contract for the Old Oakland Road Storm Drain Pump Station Project to the low bidder, Anderson Pacific Inc. in the amount of \$1,698,300, and approval of a contingency in the amount of \$170,000. CEQA: Exempt. Council District 4. (Public Works)

Approved.

7.3 Approval of various actions for loading zones and amending the Schedule of Fees and Charges.

Recommendation:

- (a) Approval of an ordinance:
 - (1) Amending Chapter 11.52 of Title 11 of the San José Municipal Code to modify the regulations applicable to regular freight loading zones and Special Loading/Unloading Permits, and to authorize the establishment of Special Freight Loading Zones to accommodate unique loading needs;
 - (2) Establishing a new Chapter 11.51 of Title 11 of the San José Municipal Code to set forth the regulations applicable to curb markings; and
 - (3) Establishing a new Chapter 11.54 of Title 11 of the San José Municipal Code to set forth the regulations applicable to Passenger Loading Zones, Bus Zones, and Taxicab Zones with no modification of such regulations.
- (b) Adoption of a resolution amending Resolution No. 69650, the 2000-2001 Schedule of Fees, to set forth a fee of \$17 for issuing a permit to park in a Special Freight Loading Zone and Special Loading/Unloading Permits.

(Department of Transportation)

(Rules Committee referral 4/4/01)

Deferred to 04/17/01.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENED AT 2:34 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval for the Redevelopment Agency to transfer property to the City of San José.

Recommendation: Adoption of resolutions by the City Council and Redevelopment Agency Board approving the transfer of the Redevelopment Agency-owned property located at 937-943 Locust Street to the City of San José for the future development of affordable housing to be administered through the Housing Department. CEQA: Exempt. Council District 3. (City Manager's Office/Redevelopment Agency) (Deferred from 3/20/01 – Item 10.3)

Resolution No. 70268 adopted.

Redevelopment Agency Board Resolution Adopted.

REDEVELOPMENT AGENCY BOARD ADJOURNED AT 2:35 P.M.

• Closed Session Report

**Disclosure of Closed Session Action of April 10, 2001 submitted by
City Attorney, J. Richard Doyle:**

1. Authority to Initiate Litigation:

1. Case Name, Action, Defendants and Substance of Litigation to be Disclosed to Any Person Upon Inquiry Once Actions Formerly Commenced.

Council Vote:	Ayes:	Campos, Cortesé, Dando, Diquisto, LeZotte, Reed, Shirakawa, Jr., Williams, Yeager; Gonzales.
	Noes:	None.
	Absent:	Chavez.
	Disqualified:	None.

• Open Forum

Ross Signorino spoke on potential hazardous conditions to which Arena employees are exposed.

Adjournment

The Council of the City of San José adjourned at 2:55. in memory of Carlos C. Ogden, an American Hero, a World War II Veteran, and recipient of the Medal of Honor, who worked as a counselor for the VA Hospital, participated in the PTA, Cub Scouts and Boy Scouts and a variety of youth sports leagues.

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL

The following resolution was adopted at the April 10, 2001 Joint City Council/Redevelopment Agency meeting.

7.1 Approval of an Amended and Restated procedure for Formation and Election of the Project Area Committee in the SNL.

Recommendation: Adoption of resolutions by the City Council and Agency Board approving the Second Amended and Restated Procedure for Formation and Election of the Project Area Committee (PAC) for the proposed Strong Neighborhoods Initiative Redevelopment Project Area, providing for amended filing and election dates for the PAC. [MERGED]

Resolution No. 70269 adopted.

Redevelopment Agency Board Resolution Adopted.

Vote: 10-0-0-0.